

CHAPTER 4

SHERIFF'S DEPARTMENT

4.01 CIVIL SERVICE COMMISSION

A. AUTHORITY

1. This ordinance, designated as Chapter 4 of the Door County Code, is enacted under the authority granted by Sections 59.26(8), 59.52(8) and 63.01 Wisconsin Statutes.

B. PURPOSE

1. The dominant aim of this chapter is the establishment of a county Civil Service Commission (hereinafter referred to as "Commission") for the selection of deputy sheriffs.

C. MEMBERSHIP/APPOINTMENT/TERM/SALARY/FACILITIES

1. The Commission shall consist of five (5) members, all of whom shall be legal residents of Door County, Wisconsin.
2. Appointments shall be made on the basis of recognized and demonstrated interest in and knowledge of the problems of civil service.
3. No person holding any elective or appointive public position or office of any sort in Door County government shall be appointed thereon.
4. The Chairperson of the Door County Board of Supervisors (hereinafter referred to as "Board of Supervisors") shall appoint the members (hereinafter referred to as "Commissioners") of the Commission, designating the term of office of each. The appointment(s) and designation(s) shall be subject to confirmation by the Board of Supervisors.
5. Of the Commissioners first appointed one shall hold for one (1) year, one for two (2) years, one for three (3) years, one for four (4) years, and one for five (5) years from the first day of January next following appointment, and until a successor is appointed and qualifies. In the month of December of each year, immediately preceding the expiration of the term of office of any Commissioner, the Board of Supervisors shall elect one member of the commission to hold office for the term of five (5) years, from the first day of January next succeeding the appointment and until a successor is elected and qualifies.
6. Every person appointed a member of said Commission shall take and file the official oath.
7. Each member of the Commission shall receive such compensation as the Board of Supervisors shall determine, which shall not be less than the current Board of Supervisors' per diem rate plus mileage at the prevailing Door County rate. Such compensation shall be paid on the basis of vouchers submitted by Commissioners.
8. The Board of Supervisors should provide suitable meeting room(s), furniture, light, heat, telephone and all necessary supplies and conveniences to enable the Commission to perform its duties.

D. OFFICERS

1. The Commission shall elect a chairperson to hold office for the term of one (1) year, who shall be the presiding officer at all meetings.
2. The Commission shall elect a secretary to hold office for the term of one (1) year, who shall keep a record of all proceedings.
3. Additional officers may be elected if the Commission desires.

E. DUTIES

1. Selection of deputy sheriffs pursuant to and in accordance with Sections 59.26(8), 59.52(8), and 63.01 to 63.17 (so far as consistent with the aforementioned provisions except Sections 63.03, 63.04 and 63.15 Wisconsin Statutes and except the provision

governing minimum compensation of the Commissioners) Wisconsin Statutes.

- (a) The term "deputy sheriff(s)" includes (for purposes of this ordinance) Chief Deputy, Lieutenant, Sergeant/Jail Administrator, Investigative Sergeant, Sergeant, Investigator, Security Deputy, Road Deputy, and any other law enforcement employee of Door County except and unless the authority to select lies with any other county officer, elected or appointed official, committee, commission or board.
 - (b) Deputy sheriff positions shall be filled by appointment by the sheriff from a list of all persons with the three (3) highest scores for each position based on a competitive examination.
 - (c) If the sheriff fills a deputy sheriff position by promotion, the sheriff shall make the appointment to the position from a list of three (3) deputy sheriffs who receive the highest scores in a competitive examination.
 - (d) The Commission shall conduct such competitive examination, according to the methods used in examination for the state civil service, and shall certify an eligible list of the names of all persons with the three (3) highest scores on that examination for each position to the sheriff who shall make an appointment from that list to fill the position within ten (10) days after he or she receives the eligible list.
 - (e) The Commission may request the assistance of the state division of merit recruitment and the department of employment relations as to such competitive examinations.
2. All other administrative responsibilities and duties, including fixing the number of Deputy Sheriffs to be appointed, position descriptions, classification of positions, residency requirements, compensations, benefits, attendance, vacations, sick leave, hours of work, tours of duty or assignments according to seniority, employee grievance procedure, disciplinary actions, separations for just cause, layoffs, etc., lie with the Board of Supervisors.

F. RULES AND REGULATIONS

1. Commissioners shall prepare and adopt such rules and regulations as, in their judgment, are necessary for the Commission to carry out its duties.
2. Such rules and regulations shall be adapted to secure the best service for Door County in its Sheriff's Department, and as shall tend to promote expedition and speed the elimination of all unnecessary formalities in making appointments.
3. The current edition of "Robert's Rules of Order" shall be the Commission's parliamentary authority. The Commission may adopt such special rules of order as it finds needed to supplement or modify the rules contained in "Robert's Rules of Order".
4. Such rules and regulations shall be consistent with applicable provisions of the Wisconsin Statutes, Wisconsin Administrative Code, Common Law and this ordinance.
5. Such rules and regulations shall be printed, with a current copy filed with the Door County Clerk, and available for public inspection.
6. Such rules and regulations shall take effect ten (10) days after they are published.

This ordinance shall take effect on the day following the date of publication.

(Chapter 4.01 thru 4.11 -- Ord. 15-78, 11/8/78; Ord. 39-96, 12/17/96)

(Ord. 23-99; 12/21/99 – 4.01 Civil Service Commission replaces old Chapter 4.01 – 4.11)

4.12 INTERFERENCE WITH, OR MISTREATMENT OF POLICE DOGS.

1. No person shall, either himself, or aid or encourage others to intentionally tease, torment, torture, beat, kick, strike, mutilate, injure, disable or kill any dog used by any Police, Sheriff's Department, or other law enforcement authority in the performance of the functions of the duty of such department, or interfere or otherwise hinder such dog while used by such department or any member thereof, in the performance of any of the functions or duties of such department or of such officer or member.
2. No person shall cause, or encourage or aid others in causing the ingestion of any drug, food, or foreign substance by any dog used by a Police, Sheriff Department, or other law enforcement authority, if done with the intention of harming or drugging the dog, or hindering the dog in performance of any of the functions and duties of such department or of such officer or member.
3. Anyone found guilty of violating this ordinance will be subject to a forfeiture of not less than \$125.00 nor more than \$500.00 together with the cost of prosecution, and in rueful default of payment of such forfeiture and cost of prosecution, shall be imprisoned in the county jail until such forfeiture is paid, but not exceeding 90 days.
4. Any person, firm, or corporation violating any of the sub-sections of this ordinance may stipulate to guilt or no contest and may pay to the Clerk of Court or Sheriff, a bond according to a schedule prescribed by the Circuit Court of Door County, which is presently set forth in Section 3 of this Ordinance. Such stipulation will make it unnecessary for the subject charged to appear in Court, and will act as a basis for the Court to enter judgement and order forfeiture of the bond. Forfeitures, penalty assessments, costs and fees, shall be disbursed as provided in Wisconsin Statutes, Section 66.12.
5. Procedure for Enforcement of this Ordinance.
 - a. Schedule Deposits. Deposits shall be made in cash, money order, or certified check, to the Clerk of Door County Circuit Court or the Sheriff of Door County, who shall provide a receipt therefore. The amount of such bond schedule is heretofore fixed at \$150.00 plus surcharges or the amount that the Circuit Court of Door County hereafter affixes.
 - b. This ordinance shall be in force and effect from and after its passage and publication, and shall become part of the Door County Code.

(Ord. #20-84, 10/18/84)

4.13 VEHICLE LOCKOUT POLICY

This policy is intended to provide guidance as to the procedures to be followed when assisting motorists with vehicle lockouts.

A. Purpose

1. To limit assistance to motorists when vehicle lockout occurs to emergency situations.

B. Procedure

1. The initial call from the motorist regarding the lockout, will be determined an emergency or a non-emergency situation.
 - a. Emergency Vehicle Lockouts:
 - (1) If the initial call for the locked vehicle is determined to be an emergency, the Sheriff's Deputy will respond. Example: Child locked inside the vehicle.
 - b. Non-Emergency Vehicle Lockouts:
 - (1) All non-emergency calls will be first directed to local agencies that have advised the Door County Sheriff's Department that they will respond to vehicle lockouts.
 - (2) If a local agency is not able to respond and all surrounding area agencies are also unavailable, a Sheriff's Deputy will respond.
2. The Waiver of Liability Form will be explained to the motorist and the motorist's signature will be obtained before the Sheriff's Deputy will attempt to unlock the vehicle.
3. The motorist will be advised that a \$45.00 Sheriff's fee will be collected for the service of unlocking the vehicle.
4. In the event the Sheriff's Deputy is unable to unlock the vehicle, there will be no service charge.

(Ord. #38-89; 10/24/89)

4.14 DOOR COUNTY ALARM ORDINANCE

A. Purpose

1. The primary purpose of this ordinance is to reduce the incidence of false alarms, by eliminating those which are preventable or avoidable. It is also meant to encourage the installation of reliable systems in structures within Door County, in order to provide additional protection to persons and property guarding against hazards that may constitute a danger to persons and/or property. The ordinance is intended to impose standards and requirements to guide the user/owner of such systems.

B. Definitions:

1. **ALARMS SYSTEMS:** An assembly of equipment and/or device(s) to signal the presence of hazard, requiring urgent attention and to which the Sheriff's Department is expected to respond. In this ordinance, the term "alarm system" shall include the terms "hold-up systems", burglar alarm systems", automatic hold-up systems", "manual hold-up systems", "proprietary system", "commercial system", "residential system", "direct line system", and define them.
2. **ALARM USER:** Any person or business on whose premises an alarm system is installed and maintained with the County of Door.
3. **PERSON:** Any individual, business firm, financial institution, partnership, association, corporation, company or organization.
4. **ALARM USE FILE DATA:** Data filed with the Door County Sheriff's Department giving specific data regarding the type of alarm in use, location of alarm, owner of the alarm, and telephone number and home address (if owner is not a permanent resident of the County).
5. **ALARM DATA:** Specific data filed with the Door County Sheriff's Department that shall include the following: (a) name of alarm use, (b) specific address (house number or fire number, street name or road name) where alarm is located., (c) specific address and telephone number of the owner, if different that the location of the alarm, (in the case of property owner who is not a permanent resident of Door County), (d) name, address and telephone number of at least two (2) persons who are authorized to respond to the alarm if the Sheriff's Department requests, that can open the protected premises if appropriate.
6. **ANSWER SERVICE:** A system that receives emergency signals from some type of alarm system and thereafter, immediately relays the message by live voice to the Door County Sheriff's Department communication center.
7. **AUTOMATIC DIALER DEVICE:** A system that automatically sends a pre-recorded voice message or coded signal. This device can be a direct connection or may be some other method and is received by the Door County Sheriff's Department, indicating the existence of the emergency situation.
8. **BURGLAR ALARM SYSTEM:** An alarm system signaling an entry or attempted entry into the protected area of the system.

9. **COMMERCIAL ALARMS:** All alarm systems installed for the purpose of protecting businesses that are actually engaged in business transactions; financial institutions, and can include museums or other types of organizations.
10. **DIRECT LINE:** A telephone line loading directly from a central station to the communication center at the Door County Sheriff's Department that is for the use exclusively for the reporting of emergency signals and/or tape recorded messages from "Automatic Dialer Devices" or person to person conversation regarding emergencies.
11. **HOLD-UP SYSTEMS:** An alarm system where the signal is transmitted by action of the perpetrator or an employee or employees on the protected premises.
12. **LOCAL ALARM SYSTEMS:** A signaling system, when activated, causes an audible and/or visual signaling device to be activated in or on the protected premises.
13. **PROPRIETARY SYSTEM:** Any alarm system sounding and/or recording alarm and supervisory signals at a control center located within the protected premises, with the control center being under the supervision of the proprietor of the protected premises, and shall include a signaling line connected directly or by means of an automatic dialer device to the Door County Sheriff's Department communications center, some other central receiving station, or an answering service.
14. **RESIDENTIAL ALARMS:** All alarm systems that are installed to protect the private living quarters and/or residences only.
15. **FALSE ALARMS:** (a) The activation of an alarm system through the negligence of the owner/agent of an alarm system, or by his employee. (b) The activation of an alarm system through mechanical or electrical failure, or malfunction of the system due to improper maintenance. (c) The activation of the alarm system because of improper installation and/or improper use of the equipment by the installer. **NOTE:** The above definitions are not meant to include false alarms as a result of natural conditions; i.e. major thunderstorms, power outages, earthquakes, tornadoes, or man made conditions.

C. General Provisions:

Anytime an alarm is activated, the user or his authorized agent will respond to the protected premises if required to do so by the Door County Sheriff's Department.

Any alarm user who has an alarm system in operation to protect his premises shall have on file with the Door County Sheriff's Department an "Alarm User File Data" card with the "Alarm Data" specified in the Definitions sections #5 before the Sheriff's Department will respond to the address.

The Sheriff, Chief Deputy or keeper of the alarm records shall be granted the authority to recommend waiver of any false alarm fee, should extraordinary circumstances be presented to them.

This ordinance does not attempt to control the type, quality, mechanical or electrical standards of any alarm system.

NO type of alarm system shall be permitted to be connected by any means to the

"911 Emergency Number System". Alarms shall be directed to the Sheriff's Department specific "BURGLAR ALARM LINE" only.

D. False Alarms:

1. For each false alarm in excess of one (1) in any calendar year, the alarm user shall pay a false alarm charge as follows:
 - (a) Second false alarm, fifty dollars (\$50.00).
 - (b) Third false alarm, seventy-five dollars (\$75.00)
 - (c) Four or more false alarms, one hundred dollars (\$100.00) per false alarm.
2. The Sheriff may, in the exercise of her/his sound discretion, elect to not charge a fee.

(amendatory ordinance effective January 1, 2004; Ord. 22-03)

E. Fee Assessment for False Alarms:

Fees assessed to the owner, agent or lessee shall be billed by the Door County Sheriff's Department, who shall be the holder and recorder of the alarm records. After fees have been assessed, the keeper of the alarm records shall accompany a copy of the billing with the alarm record for verification purposes conveying such billing with the alarm record to the Clerk of Court. Payment shall be made to the Clerk of Court and that payment shall be deposited in the General Fund.

When calculating the number of false alarms within one year, the calendar year from January 1 to December 31 shall be the guide. At the end of each calendar year, the progression of false alarms shall terminate and the calculations of false alarms shall begin anew.

F. Non-Payment of False Alarm Fees:

Any person who fails to pay the appropriate assessed fee shall be imprisoned in the Door County Jail for no more than 30 days.

G. Effective Date:

This ordinance shall become effective upon passage and publication.
(Ord. #14-88; 5/24/88); (Ord. #22.03; 11/25/03)

4.15 SHERIFF'S RECORDED COMMUNICATIONS

A. Purpose:

The primary purpose of this ordinance is to establish a policy for maintaining the Sheriff's radio or telephone communications on tape at the Sheriff's Department for a maximum of 120 days.

B. Procedure

1. The Sheriff's Department shall monitor and record calls coming into the department, on designated lines, regarding emergency and non-emergency situations.
2. The Sheriff's Department, in the course of the duties, shall maintain said recordings of their radio and telephone communications on tape for a maximum of 120 days, from the date of said recording.
3. The 120 day limit is set to comply with the 120 notice requirement under Wis. Stat. § 893.80 (1)(a), for claims arising against governmental bodies, officers, agents or employees.

C. Reference to Statutes: Reference to specific statutory sections, whenever used in this ordinance, shall mean Wisconsin Statutes as amended, modified, repealed or otherwise altered by the State Legislature.

D. Effective Date: This policy shall be effective upon adoption and publication by the Door County Board of Supervisors as provided by law.

(Ord. #9-95; 6/27/95)

4.16 DESIGNATION OF OFFICIAL TO MODIFY OR WITHDRAW ABATEMENT ORDERS

A. Authority

1. This ordinance, designated as Chapter 4.16 of the Door County Code, is enacted under the authority granted by Sections 59.02, 59.03, 59.54, and 173.03(2) Wisconsin Statutes.

B. Jurisdiction

1. This ordinance shall be applicable throughout the County of Door, State of Wisconsin, except as described in Section 173.03(3) Wisconsin Statutes.

C. Designation

1. The County Administrator or her/his designee, may modify or withdraw abatement orders issued under Section 173.11 Wisconsin Statutes by the Door County Humane Officer.

D. Effective Date

1. This ordinance shall take effect on the day following the date of publications.
(Ord. 09-00; 5/25/00)

ORDER OF ABATEMENT
(Section 173.11, Wisconsin Statutes)

TO: _____

After investigation the undersigned, Door County Humane Officer, has reasonable grounds to believe that a violation of statute or ordinance is occurring and the violation is causing or has the potential to cause injury to an animal. Specifically: (describe pertinent facts and circumstances) _____

contrary to (cite relevant statute or ordinance) _____

The measures necessary to correct the alleged violation are as follows: (describe necessary remedial measures)

Immediate institution, diligent and continuous performance, and timely completion of necessary remedial measures is required. You are hereby directed to correct the violations on or before (insert date) _____

The hearing and appeal provisions are set out in Section 173.11(2), (3), and (4), Wisconsin Statutes, and are as follows:

- **HEARING.** Any person named in an abatement order issued under Section 173.11(1) Wisconsin Statutes, may, within the ten (10) day period following service of the order, request (in writing) a hearing before an official designated in an ordinance under Section 173.03(2), Wisconsin Statutes. The request must be delivered to County Administrator, Door County Government Center, 421 Nebraska Street, Sturgeon Bay, Wisconsin. The hearing shall be held within ten (10) days after the request is made, unless the requester agrees to a later date. The hearing shall be informal in nature.
- **DECISION:** Within ten (10) days after a hearing under Section 173.11(2), Wisconsin Statutes, the official who conducts the hearing shall affirm the order, modify and affirm the order, or withdraw the order.
- **APPEAL.** Any person adversely affected by a decision under Section 173.11(3), Wisconsin Statutes, may seek judicial review by commencing an action in circuit court within thirty (30) days after the day that the decision is issued.

Procedures and time limits must be strictly followed. Further violations are strictly prohibited.

This abatement order shall remain in effect for three (3) years from the date of signing. Further, this abatement order shall remain in full force and effect, even if appealed, until modified, withdrawn, or stayed.

Please contact the undersigned if you have any questions or comments.

Dated this _____ Day of _____ 20 ____

Name:
Door County Humane Officer
Phone Number _____

4.17 PRISONER REIMBURSEMENT TO COUNTY, MUNICIPALITY PAYMENT TO COUNTY

A. Authority:

1. This ordinance is enacted pursuant to the authority granted by law, including Sections 302.372, 302.38, 302.381, 302.383, 302.43 and 303.08 Wisconsin Statutes
2. All references to Wisconsin Statutes shall be as those Statutes presently exist or are hereafter revised.

B. Intent

3. That any person incarcerated in the Door County Jail (hereafter "Jail") shall reimburse Door County (hereafter "County") for any and all expenses incurred by reason of his or her incarceration to the extent permitted by law.
 - a. Person incarcerated includes any person confined in or sentenced to the Jail (including a probationer in custody as a condition of probation or under a probation hold) for crime.
 - b. All expenses includes, but is not limited to those, listed herein.
4. That County will take the necessary steps, including institution of any appropriate civil suit in a court of competent jurisdiction, for recovery of expenses set forth herein from the prisoner or the prisoner's estate.

C. Costs For Purposes Of Prisoner Reimbursement of Expenses to the County Include:

1. Processing fee of thirty dollars (\$30.00) per incident.
2. Prisoner transfer fee (for transfer in to or out of the Jail) of fifty dollars (\$50.00).
3. Full per person maintenance and cost of "Huber Law" prisoner's board is:
 - a. If serving a sentence arising from a conviction in Door County, nineteen dollars (\$19.00) per day.
 - b. If serving a sentence arising from a conviction in another county, twenty five (\$25.00) per day.
4. Actual per-day cost of maintaining prisoner in ordinary confinement is:
 - a. If serving a sentence arising from a conviction in Door County, five dollars (\$5.00) per day
 - b. If serving a sentence arising from a conviction in another county, fifty two (\$52.00) per day.
5. A prescription set-up fee of five dollars (\$5.00) for each prescription,
6. Cost of any medical expenses, emergency services, and/or mental health treatment paid by County for prisoner.

D. Home Detention Programs

1. Prisoners placed in a home detention program pursuant to Section 302.425 Wisconsin Statutes are required to pay the County:
 - a. A one time set-up fee of fifty dollars (\$50.00);
 - b. A daily fee of twenty dollars (\$20.00); and
 - c. All costs incurred by the County associated with monitoring the prisoner.
2. Prepayment may be required by the Sheriff as a condition of placement in a home detention program.

E. Municipality Payment to County

1. The municipality (city, village or town) shall pay the County fifty two (\$52.00) per day for a person incarcerated under Section 800.095 Wisconsin Statutes.
2. This section does not apply to persons incarcerated for violation of an ordinance related to the intoxicated use of a vehicle.

(Ord. 18-99, 11/1/99; Ord. 10-00, 5/25/00; Ord. 21-02, 12/17/02; Ord. 2006-17, 9/26/06; Ord. 2007-14, 8/28/07) (Ord. 2008-03; 4/15/08) (Ord. 2009-03; 5/26/09) (Ord. 2012-24; 12/11/12) (Ord. 2019-16; 12/17/19)